

PALESTINIAN REFUGEES ,
THE DISPLACED
&
THE FINAL STATUS
NEGOTIATIONS



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The Refugees, the Displaced and the Permanent Status Negotiations

Besides the land, the Refugee issue is just one other cornerstone of the Palestinian national question in the present phase. The Right of Return embodies the right of self determination along with establishing an independent national state. This is what international law has granted as reward for the Palestinian People's National Liberation struggle as well as an expression of its inalienable national rights.

The importance of this study coincides with the beginning of the permanent status negotiations which includes issues of the Refugees and the displaced. Furthermore its publication follows the annulment of the National Covenant by the Palestinian National Council (PNC) during its twenty first session meeting, under the pretext of cancelling the clauses which call for the elimination of Israel's right of existence.

Undoubtedly relating these two events is essential. To advancing the issues of the Refugees and the displaced, on the Palestinian street level there exists a deep feeling that the Palestinian Oslo Team will offer the biggest concessions on these two issues.

It will be clear to the reader that the study has focused on new cornerstones on the status of Refugees and displaced, including the important and significant role that is supposed to be played by the Palestinian Refugees in the West Bank and Gaza Strip, and their own land -The Palestinian Refugees in the state of Israel. The Hebrew State has succeeded in suppressing the latter issue while at the same time the Palestinian side has avoided it although it is a national and a human issue whereby Arab Community depends on local laws to defend their rights as much as on the United Nations Resolutions like their compatriots the 1948 Refugees and the 1967 displaced people.

The study aims at focusing on new sides of one of the National Palestinian issues; it does not claim to cover all angles. Rather it is considered to be an invitation to those concerned to take matters into their own hands.

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Introduction

The PNC's twenty first session held in Gaza (22-25 April 1996) addressed the actualities of the Oslo Agreement. It also reformulated the program and structure of the official institution of the Palestinian Liberation Organization (PLO). This is in accordance with these requirements, including the annulment of the Palestinian National Covenant as had been agreed in the Oslo B Agreement, the transitional Agreement in the West Bank and Gaza Strip (28 September, 1995).

The cancellation of the "National Palestinian Covenant" and the assignment of the national committee's law commission to reconstitute the covenant so that it conforms with the Oslo Agreements and the letters exchanged between Arafat and Rabin on 9 and 10 September 1993 enforce a one sided Palestinian recognition of Israel's right to exist. Thus acknowledging the legality of the Zionist plan on the land of Palestine. At a time when Israel still refuses to recognize the right of the Palestinian people to self-determination and the Refugees' Right of Return in accordance with Resolution 194.

The gratuitous recognition from one party of Israel's right to exist means the rendering of the Right of Return and self-determination from an unquestionable, legal, internationally recognized right to simply a Palestinian demand. Hence the Israeli insistence on calling the PNC to modify or cancel the covenant before commencing the permanent status negotiations. This step reduces the Palestinian negotiation position and weakens its support, while guaranteeing full Israeli control of the results of these negotiations which started officially in Taba, Egypt, on 5 May 1996.

The permanent status negotiations include Jerusalem, the settlements, the Refugees, and the political placement and position of the Palestinian entity (Borders, security arrangements, relations and cooperation with neighbouring states...) as well as other issues that concern the two parties (water, religious sites...). These subtitles by their nature touch upon the larger national issues which together constitute the essence of the national question at this stage.

The negotiations thus far have not addressed all the issues of the transitional period, concentrating mainly on the Occupied Homeland through its familiar topics reflecting negatively on the whole national cause and on the people. At the same time minimizing the role of the Palestinian Diaspora and its capability in affecting events... The nature of the subjects of the permanent status talks leads to an increased involvement of Palestinians outside the homeland and provides the nationalist powers with the possibility of continuing the national right struggle on a wider scale and more fundamental co-operation between the Occupied Homeland and the Diaspora.

Furthermore the issues involved in the permanent status negotiations are more regionally inter-related than the issues of the transitional period. These interrelations would provide possibilities –should the correct policies be undertaken– beneficial to supporting the national struggle within this framework. The renewed reappraisal of the issues of the Refugees and displaced, would forcefully advance. The consideration of a unified struggle between the homeland and the Diaspora, an issue that is inter-related with its regional surroundings and its negotiating courses.

The Refugees...
The International Legal
Referral/Authority

Resolution 242 deals in general, but not specifically, with the case of the Refugees (as does Resolution 338 which in part calls for the implementation of Resolution 242). It calls for "a just settlement of the problem of the Refugees" without explaining the contents of such a settlement. The framework does not exceed what was contained in the preface of the Oslo A or Oslo B Agreements (that the permanent status negotiations will lead to the implementation of both Resolutions 242 and 338) in accord with the Madrid negotiating framework.

The contents of the Oslo B Agreements, in addition to its ambiguous wording which skilfully avoids a clear text regarding the negotiations to implement the above mentioned United Nation Resolutions, beside providing Israel with to exceed the proper bounds of the 1948 UN Resolutions considering them out of date and irrelevant whereas Resolutions 242 and 338 are concerned with the 1967 and 1973 wars... What is contained in this agreement and therein lies the danger, it does not refer the Refugee issues to its limited and Associated International Legal Authority, or to Resolutions 194 (Specifically Paragraph number 11) issued by the United Nations General Assembly on 11/12/48, but bypasses this Authority and ignores it.

The related Resolutions of international legitimacy guarantee for the Palestinian Refugees their status from a legal stand point. This is a political definition which maintains that the Refugees are not individuals but a group that belongs to a source from which it has been uprooted in exceptional circumstances and they possess an identity which unites them with their origin. This statement gives them the right to return to their homes and to reclaim their possessions and the possibility to claim compensation which is part of the recognition, and official public acknowledgment of the right to return, but is not an alternative of this recognition.

This is what is embodied in Resolution 194 (which deals with three issues, amongst which are "acknowledgment of the rights of Refugees to return to their homes") which linked the acceptance of Israel as a member of the United Nations (Resolution 373 of the General Assembly on 11/5/49) with its co-operation in applying the Right of Return which is included in the text.

Until the Refugee problem is solved according to the above mentioned basis, the United Nations Authorizes a Specific Organization (UNRWA) to handle their affairs (assistance and employment). The General Assembly on establishing UNRWA (Resolution 302 dated 18/12/49), has confirmed on the renewal of its mandate that the financing of UNRWA and its activities does not diminish the right to return established by Resolution 194. UNRWA is an agency which consolidated the Refugees legal and political status dealing with them as a group (assistance is the acknowledged right of Refugees and does not apply only to the needy, the same applied to educational & medical services...), and grants them refugee identity cards and the setting up of refugee camps as units that are distinct from their environment and outside the responsibility of the countries in which they are found (service-side and not sovereignty-wise).

Resolution 194 remains the Refugee issue's primary reference. Therein lies the danger of the text of the Madrid negotiations with its declared conditions and the Declaration of Principles and what succeeds it, which by excluding Resolution 194,

deprived the Refugee portfolio of its International Legal Authority referring it to the same negotiating framework which in turn consists of numerous frameworks and tracks (the Refugee Working Group in the Multiple Negotiations and what results from it, the bilateral negotiations with Jordan, Lebanon, Syria and the PLO).

The Oslo Agreement has divested the Refugee issue from its international referral Jurisdiction on the one hand, and transformed it into a regional Arab-Israeli issue in its Palestinian-Israeli dimensions and its inter- relationship with it. This has lead and will lead to negotiating conditions that serve Palestinian rights adversely and well serves the Israeli position in its essence: A liquidators solution of the Refugees issue with regional compliance on the basis of resettlement and rehabilitation and annulment of the right to return.

The Displaced... The International Legal Referral Authority

As with the Refugee issue the Oslo B Agreement has denied the 1967 War Displaced issue its International Legal Authority: Security Council Resolution 237 (14/6/67) which defined dealing with the Displaced as a group (and not as individuals or factions on a selective basis) and comes under the heading "calling on Israel to respect human rights" and clearly mentions the unconditional return... furthermore, Resolution 237 "calls on Israel to facilitate this return".

On the other hand, the Oslo B Agreement did not address the issue of the 1967 Displaced separately but dealt with it under the collective heading: "Linkage and co-operation with Egypt and Jordan" (Item 27) which called for an increase in the arrangements for linkage and co- operation, it was noted that -as a part of these arrangements- the formation of a committee consisting of the four parties (Palestinian Representatives + the Governments of Israel, Egypt and Jordan) dealing with -amongst other issues- the issue of the Displaced on an individual basis and in accordance and this committee would decide "How to approve the persons as well as taking the necessary steps so as to avoid confusion and disorder". This serves the Israeli view point which states that the return of hundred of thousands of people threatens to cause a state of disorder which could threaten the Peace progress considering the weak state of the infra-structure and the economic situation in the West Bank and the Gaza Strip which would render the absorption of the newcomers impossible (!)...

The Oslo Agreement approach towards the Displaced issue provides Israel with the advantage of raising its right to Veto the return of the Displaced for allegedly social and security considerations on the one hand, and for the categorization of the Displaced into sub groups, Israel relies on this to realize two goals:

1. Decreasing the assigned number of the Displaced to diminish the size of those permitted to return (estimated number in 1967 to be 280,000 in 1968 the numbers reached almost 400,000 and now estimated to be in excess of one million. However Israeli estimates vary between 150,000 and 220,000).

2. Organizing the return in stages and over a long period of time (averaging 4,000 every year and for humanitarian considerations. This would take, should we consider the higher Israeli estimation and without calculating natural increases... fifty years (!) Whereas the Palestinian side is demanding the return of 300,000 every year).

Not dealing with the Displaced as an indivisible group guarantee by international jurisprudence its right to unconditional return leads –amongst other thing– to this gap between the Palestinian and Israeli estimates. This gap is not due to a statistical shortcoming but to an Israeli classification which automatically excludes those factions which do not possess political significance concerning major issues over which Israel seeks to compile facts in accordance with their preconceived self interests. Within such a framework Israel principally banished the return of those Displace listed amongst the following subgroups:

1. The 1948 Refugees who lived in the West Bank and the Gaza Strip before the 1967 war and left during or after that war, they constitute more than half the total number of the Displaced, in accordance with the Israeli Resolution of the Refugee portfolio through resettlement, which entails resettling this subgroup wherever they reside presently (predominately in Jordan).

2. Inhabitants of East Jerusalem who left during or after the war. Within the context of the continued Israeli efforts to diminish the number of the Palestinian inhabitants of Jerusalem, considering that East Jerusalem is an inseparable part of a united Jerusalem the Eternal capital of Israel.

3. Those who belong to villages or lands expropriated by the Israelis or that have had settlements built upon them, from the viewpoint of avoiding the introduction of added pressure on the issue of settlements which Israel endeavours to hold on to (in the most part).

4. Those who have conducted military operations against Israel, or those classified as a security risk in compliance with Israel's policy of deportation which is specifically aimed against those groups that are more resistant to the occupation.

The quadripartite technical committee, concerned with the Displaced issue held its seventh meeting (13/2/96) and is still turning around in circles trying to find a precise definition to the concept of the Displaced and the numbers of the Displaced according to an agreed upon reference! The digression of the negotiations to the level of conceptualizing the issue instead of discussing the mechanism by which the return is to take place, its organization and a timetable for the return of the Displaced is primarily due to the absence of a predetermined authority.

The Israeli position (wrt) the Displaced issue transfers its discussion from the transitional period where it was originally scheduled to the permanent status discussions, whereupon the negotiations concerning a timetable for the return of those whom it has been agreed as having the right to return will affect the

negotiations in principle as a result of the discussions about the sovereignty of the Palestinian entity.

Whereas concerning the groups exempted by Israel which we have listed above, the negotiations about their return will be affected by the results of the talks regarding the Refugees, Jerusalem and the settlements, since the most significant group of Displaced belong to the first wave of Refugees (1948). The Israeli standpoint will exert pressure towards unifying the solution's framework, according to the same sanctioned liquidators basis towards the Refugee issue: rehabilitation and resettlement in the place of sanctuary. Placing the Displaced issue in the hands of the quadripartite committee which practically consists of the two countries that host the Refugees: Jordan in the first place and Egypt to a lesser degree, emirates from a preconceived view of Jordan's role (as a location and an entity) for the resettlement and absorption of the majority of the Displaced.

THE UNRWA AN INTERNATIONAL COMMITMENT FOR THE CAUSE OF THE REFUGEES

The cause of the Refugees draws upon its particularity before the international community and (wrt) international legality from the United Nations responsibility for its formation when it adopted Resolution 181, the Resolution to partition the land of Palestine (an Arab state + a Jewish states + international rule specific to the city of Jerusalem). However only the establishment of the state of Israel was implemented thus creating the problem of the Refugees. This is what distinguishes the relationship between the issues of the Refugees and the United Nations and its Resolutions, and differentiates it from other Refugee issues that were created as result of practices in contradiction to Resolution of the United Nations and its aims. The United Nations Organization is directly responsible for the issue of the Refugees which is closely related to Resolution 194 which is textually mentioned in both United Nations Resolution 273 (Accepting Israel's membership of the UN) and Resolution 302 (concerning the establishment of UNRWA) Resolution 194 being the common denominator between the two Resolutions 273 and 302.

On the other hand, the UN's special refugee Agreement (1951) had clearly and deliberately exempted the Palestinian refugee from its definition, and excused the UN high commissariat for Refugees, which is a UN body, from the supervisory responsibility over Palestinian Refugees, wherever UNRWA was assigned such a responsibility in providing them with assistance. The positive value of this step is represented in protecting the Palestinian Refugee issue from liquidation and marginalization, since accepting the general definition of Refugees entails the loss of their basic Right of Return. In return the distinct definition and the apportioning of responsibility to a particular institution responsible for the provision of assistance to the Palestinian Refugees until Paragraph 11 of Resolution 194 is implemented, which guarantees the Right of Return. The negative aspect of this distinction whereby the Palestinian Refugee issue is exempted from the general framework and its danger lies in the loss of any international protection if for any reason the Agency is dismantled.

The direct UN responsibility towards the Refugee issue and relating this responsibility to a specific institution (UNRWA), require the inviolability of such an institution and the requirement that it is not dissolved before finding a permanent

and comprehensive solution to the Refugee problem to guarantee it is not wasted and lost.

The founding of the UNRWA relied totally on Resolution 194 (specifically Paragraph 11) which is mentioned in the founding Resolution (302) in more than one place: in the preface (specific confirmation of the regulation relating to Paragraph 11), in Paragraph 5 (the continuation of assistance for the Refugees without violating the regulations of Paragraph 11), and in Paragraph 20 (UNRWA's consultation with the UN Conciliation Committee for Palestine, so both may best accomplish their missions, specially, those related to Paragraph 11...).

Hence the importance of the following: if Resolution 194 is the principle international reference concerning the Refugee issue then UNRWA is the legal, political and foundational embodiment of the international commitment to this issue, through full and secure engagement with this Resolution and the regulations of its Paragraph 11. Therefore the negative aspects of interference with UNRWA before solving the Refugee issue are not limited to depriving them of what UNRWA had to offer, however important that is, but goes further by interfering with the political and legal position of the Refugee issue and their internationally legislated rights, paramount amongst which is their Right of Return.

Preparation is steadily taking place to change UNRWA from an institution that provided the Refugees with assistance without infringing the regulations of Paragraph 11 of Resolution 194 into an institution that channels its assistance and builds a plan that aims to sabotage the regulations of the above mentioned Paragraph 11, and replaces the right to return with a scheme of resettlement and rehabilitation. This is the direction in which UNRWA is being steadily pushed since the first Oslo Agreement. Preserving the budgets of UNRWA and even increasing them and prolonging its mandate do not point towards the infallibility of its position, but in reality paves the way to interference with that position to terminate its services, towards the elimination of the Refugee portfolio. This is proven by "The Peace Implementing Program" in the Self-rule areas which were set up on 6/10/1993 less than two months after signing the Declaration of Principles agreement in accordance with the directions of the Refugee Working Group with the support of the donating countries. By its adoption of this program the Agency has placed itself in a position compatible with the directives of the Oslo Agreements, and participates in supporting its implementation.

UNRWA... LATEST PRIORITIES

The fifteenth session of the United Nations General Assembly at the end of last year (1995) saw the vote on Resolution 194 as witnessing the precedent of –for the second year running– the abstention by the United States, and opposition from Israel. The abstention was connected to a request from the United States for the reconsideration of all United Nations Resolutions on the Middle East: so long as these issues –including the Refugee issue– had been referred to the negotiations with the consideration that UN Resolutions form a pre-assumption of the results of these negotiations and interference in their course of action (!).

This vote has pointed to the diminution of the strength of Resolution 194 as well as pointing out the destabilization of its position by the rise of plans to terminate UNRWA services that had been renewed until June 1999, the date for ending the transitional period and the date on which the permanent status negotiations are due to reach their end.

And despite the facts that the meeting of the donor countries held in Jordan in March 1995 did not designate June 1999 as a final date for terminating the services of the Agency. The general trend followed by the international institution continues in that direction expecting the negotiation parties to reach agreements concerning the Refugee issue, evidences of this trend are: setting up of a Peace Implementation Program and the creation of a compensation fund for the Agency's employees, and the subjection of new employees of Agency to temporary contracts with a time limit ending in 1999.

Further evidence of this is the inclusion of UNRWA in the United Nations delegation to the meeting on the Refugees Working Group in the multilateral negotiations (in the last two meetings 7th and 8th) after the Israeli opposition supported by the US prevented the United Nations from attending the initial meetings, due to what that would signify in conjuring Resolution 194. The attendance of UNRWA came about due to its responsibility for the realization of the Peace Implementation Program and all other projects that effectively assist in the work of the Refugee Working Groups. The Agency's participation in the work of this group was considered as outlining the path to be followed by the Agency in the coming period with international agreement and acceptance by the Oslo team.

The task of the "Peace Implementation Program" is defined by the mobilization of the resources and experiences of UNRWA in the service of the institutions of the Self-rule Authorities, and the construction of the required infrastructure for the formation of such an authority, as well as harmonization between the services of the Agency and the Authority until such a time when the latter is capable of fully taking over the Agency's services in the West Bank and Gaza Strip, and integrating the Palestinian Refugees in these two regions with their surroundings thus excluding them from the Refugee portfolio, hence it has become clear that the remit for UNRWA during the remaining years of its existence is working towards bettering the status of the Refugees and improving their living standards (relatively and wherever possible) to facilitate their merger into their surroundings (re-settlement, absorption, integration etc...) as an alternative to the Right of Return.

In view of the existing development in the Agency's task is evident from a financial viewpoint that the donor countries, concerned with implementing the solution for the area have provided the Agency with the budget for the Peace Implementation Project which has provided the Occupied Territories with additional qualitative services, even though it is incorporated in a political context contradictory in its results to a just solution of the Refugee issue, although on the other hand it has provided sole recompense for the deprivation buffered by the Refugees in the camps of West Bank and Gaza Strip. In this context is relevant to point out, that the issue of provision of budgets for the Agency is related to political decision taking. Hence the stinginess practiced towards ordinary budgets is no more than an expression of a political stance the essence of which is the provision of minimal services that would give the refugee a feeling that he is not being neglected, until a permanent solution to his issue becomes evident.

The latest priorities incumbent on the UNRWA program if it responds to the resettlement and rehabilitation plan, pushes it in the direction of abrogating its responsibilities (Self-rule Authority, Host Countries) towards liquidating its services. Seeking to prohibit the liquidation of the Agency's work is based on the consideration of what the Agency signified in terms of a commitment to the cause of the Refugees and the Right of Return interlinked with the consideration of the programs it provided in response to various requirements. Thus criticizing the Peace Implementation Program does not interfere with its awards, and criticism of the contraction of normal budgets does not merely interfere with its subsistence, but such criticism arises out of an awareness of the intended goal, in both cases: A step in the direction of annulling the institution. So the pivot of the work program in this sphere is the struggle for maintaining UNRWA and improving its services until the Refugee issue is resolved, and within such a framework defending the interests of its employees (Twenty thousand employees, workers and recruits).

THE NEGOTIATIONS A MULTIPLICITY OF FRAMEWORKS AND PARTIES

Despite its dependence on four bilateral tracks which are crucial and various (parties and objectives) which are supportive, to advance the bilateral negotiations, the Madrid negotiating structure guaranteed, despite its overwhelming negative ness -a minimum level of correlation ship, a relationship built on the possibility of realizing parallel and simulates progress between the different tracks. Thus Israel realized a major gain through the Oslo Agreement which led to the cancellation of the Madrid structure and separation from the system of equivalence and balance to the totally separate line of advance with each side separately in relation to all subjects for discussion, including the Refugee and Displaced portfolios.

Oslo Agreement has transformed the Refugee issue, having denuded it of its international judicial referral authority, into negotiator, bilateral, independent heading Arab-Israeli titles (Jordan, Syria, Lebanon) beside the Palestinian-Israeli track, as well as a joint case to be discussed within one of the five groups of the multiple track negotiations. The Oslo Agreements and those of Wadi Araba have consolidated this trend and merged it through the quadripartite committee of the displaced portfolio. In this framework the multiple tracks concentrating on improving the living standards to achieve a solution based on resettlement and rehabilitation complements what is taking place in the bilateral and consolidates the result achieved upon it.

Such a negotiating arrangement is in harmony with the Israeli strategy of avoiding facing the Refugee issue as a singular case and permits distributing it to the Host Countries to be negotiated separately, which consolidated dealing with the Refugees as demographic groups on the one hand, while it propels towards a solution based on a formula of rehabilitation and resettlement having invalidated the Right of Return.

The Jordanian-Israeli Treaty (26-10-94) puts forward in article 8, a blatant prototype of the bilateral arrangements that Israeli seeks, following its misleading talk concerning major humanitarian problems for both sides (!) and the invalidation

of the relative international legal resolutions and mysteriously exchanging them with international law regulations... The transformation to the essence is realized by all this, talking plainly about resettling the Refugees and Displaced (Paragraph 2/c).

To this bilateral arrangement, and in the framework of the evident role assigned by Israel for Jordan in the permanent status negotiations (in the negotiations... and not only in the spheres agree upon as a result of these negotiations). Thus the aforementioned article 8 (Paragraph 2-B/2) sheds light of the Jordanian role concerning the Refugees in the region mentioned in article 3 of the Treaty (in other words, the West Bank) in addition the Palestinian party (with and parallel to). That Jordan concerning the Refugee portfolio, is independent from the Palestinian side in its bilateral arrangements with Israel, but it is party and a partner in this portfolio in the permanent status negotiations.

The Multiplicity of Negotiating frameworks concerning the Refugees and the multiplicity of parties in the absence of the relevant international legal referral authority and in consideration of the lack of Arab coordination and the loss of a negotiating Arab strategy coordinated in its general outlines, with the continued Arab imbalance in Israel's favour and the advance in the formulation of the bilateral and unilateral solutions. All this weakened should it not cancel, the Palestinian Influence on what occurs in the Refugee issue negotiations.

A principal aspect of the Palestinian destiny and national future is being formed without Palestinian participation. Whether on this level of the masses of Refugees or ruling institutions (The Self-rule Authority, The Remnants of the PLO Institutions Abroad, The Local Leaders in the Diaspora). Hence the necessity and importance of total coordination between the Palestinian side and the other Arabs concerned with this subject, specifically the countries hosting the Refugees. Parallel to this it become essential that a comprehensive, democratic and open discussion is conducted between the various refugee groupings regarding their problem and how to regain rights. One of the main ways to contain the weakness of the Palestinian role and overcome its absence comes about by:

1. Stimulating and rebuilding the Diaspora's role with its organized mass movement and the authority of its leaders.
2. Highlighting the Refugees issue in the occupied land as an independent case supported by a mass movement under the banner and demands of the Refugees.
3. Unifying the working framework and movement and coordinating the tactics of the struggles between the Occupied Land and the Diaspora concerning the Refugees.

Resettlement and Rehabilitation

The Broad Outline and its Implications

Ever since the Refugee issue arose the plan for resettlement was in confrontation with the Right of Return. Up to the present, resettlement correlates with a stable relation contradicting the return. To start with, resettlement does not impose exchanging the Palestinian identity for another –though it might lead to it– but basically the cancellation of the Right of Return and the political and legal status of the Refugees on the one hand, and on the other the rehabilitation of the sheltering conditions of the Refugees and their living conditions, elevating their living standards to the required material level on the one side, and to minimize the role of camps, with a view to what they represent as an international commitment towards the Refugee issue and the Right of Return.

The general outline for resolving the Refugee issue, as defined in the Oslo Agreement is the plan for resettlement and rehabilitation. This plan lies at the heart of the current conflict concerning national rights and the existing attempts to facilitate its passage (or to draft antecedents to ease its imposition) started to spread its influence quietly before the start of the refugee negotiations considering it one of the banner headline in the Permanent Status Negotiations (Jordanian-Israeli Treaty, the Refugee Working Group within the framework of the multilaterals, the Oslo Agreement itself, the framing of UNRWA tasks with its requirements to support its implementation...) The struggle against the resettlement plan is a struggle with a plan that has already moved some way on the negotiation and implementation levels. This on the one hand...

...On the other, it is a struggle against a plan that does not present itself in the same form in various areas, the current attempts to impose it takes its tangible characteristics from the prevailing conditions at the place of application, and they are the defined conditions for the situation of the Refugees in that place. The legal framework within which the refugee presence, embodied in various countries, is not the basis to shed the light on the Refugees conditions to indicate the various possibilities (Diversification) of resettlement plans and outcomes, thus enjoying civil rights –in Syria– does not necessarily advance resettlement, the deprivation of these same rights in Lebanon does not avert its dangers but may be the opposite. The legal framework is one component which plays a role, beside which and preceding it the following should be taken into account: The political, economic and social structures of the specific country and the proportion of internal powers that affect the Refugee portfolio plus the size of the external pressures exerted on it in addition to the position of the Palestinian national movement and its alliances, and the historical relations of each country with the Palestinian issue and the development of this relationship and its stand which is formed within the settlement process and its regional task...

These are the conditions to be considered to comprehend what is being prepared to ensure the passage of the resettlement plan in its various forms, in order to derive the method of confronting this plan with its potentialities and the dangers resulting from it, this plan affects national future and destiny of a main portion of our people, according to official UNRWA statistics in 1995 the number of registered Refugees reached 3 million 185 thousand, amongst whom one million 200 thousand were in the West Bank and Gaza (37.3%) and one million 983 thousand in Jordan, Lebanon and Syria (62.3%) This will be discussed later taking into

consideration the determining conditions of the refugee situation in the Occupied Homeland and in all Host Countries.

Resettlement and Rehabilitation The West Bank and Gaza

Indications of resettlement in the West Bank and Gaza are clear enough not to ignore the fact collected up till now. After the original abandonment of Resolutions 194 and 237 the Authority's representatives yielded to matters prejudicial to the Refugee issue among which are:

1. Participation by West Bank and Gaza Refugees in the Self-rule council elections. This is a political pointer that shows acceptance of the existing Israeli assumption on resettlement in the Self-rule area, and consolidates the Israeli pretext, and help it to repudiate its responsibilities towards their rights and challenge their refugee status.
2. Practical imposition by Israel of its perception for dealing with the portfolio of Displaced who were originally Refugees, with resettlement where they currently reside, Mostly in Jordan which is committed to resettlement through the Treaty's Regulations.
3. Dealing with UNRWA by accepting its designated role post Oslo Accord in developing structures and institutions that the Authority depends on through transferring its responsibilities and its employees to it while terminating its services and subsequently releasing it from its political commitment to the international legal Resolution for resolving the Refugee issue.

The dangers of these pointers should not be under- estimated under the pretext that the permanent status negotiation have not yet commenced (wrt) the Refugees. We have shown that the negotiations and what sometimes follows (practical arrangements with certain aspects of the Refugee issue) have progressed some what. What increases the dangers of resettlement is the reality of the national identity, people and land related, to the domain where it is to be applied (The West Bank and Gaza), in addition to the prolonged time lapse since the 1948 exodus and its consequences of interrelationships between the Refugees and the non Refugees of their people in the Occupied Territories.

With this background, we should perceive the atmosphere prevalent among the higher strata of the Palestinian Authority and its parties and some sections of the middle classes who affect public opinion, about the uselessness of demanding the implementation of Paragraph 11 of Resolution 194 (because it conflicts with the Israeli concept of being a threat to its Existence) and replacing it with the demand for the Right of Return to the 1967 Territories.

This Prevarication based on bypassing Resolution 194 and combining its subject matter to Resolution 237 which was not originally mentioned in the negotiator authoritative source and as well as the Israeli refusal principally to

categorize the Displaced Refugees origin among those included in the discussion of the Displaced portfolio. This prevarication that is predestined to be in -effective on the Israeli side as long as the general conditions covering the negotiations have not changed, does not generate pressure that serves the return of the Diaspora Refugees to the 1967 Territories, but instead exclusively serves the resettlement plan of the Refugees originally residing in the West Bank and the Gaza Strip.

What has been stated, as important as it is, and the dangers of its intentions, does not necessarily impose the possibility of the resettlement solution in the West Bank and Gaza –A thorough examination shows the recalcitrant nature of the resettlement plan and the real obstacles in its way, and it manifested another facet of the issue which embraced important instigator factors as well as signs of a national solution of the issue of the Refugees. For a start it is important to remember that the Refugees in the West Bank and Gaza form a major demographic grouping that is not easily overlooked (According UNRWA. Static for the year 1995, the Refugees counted for 52.5% of the total residents. Distributed as follows: 684 thousand in Gaza representing 77% of the residents of the Strip, and 518 thousand in the West Bank representing 37% of its residents). What consolidates the importance of this data is the preserving of social and residential state of this bloc (55.6% of the Refugees in Gaza live in eight camps and 25.6% of the Refugees in the West Bank live nineteen camps).

This situation with its heritage of struggle background which protected the Refugee issue (before 1967) as a banner headline for the national issue externally and the issue of the return as a pivot of the Palestinian national struggle, during which the camps and the refugee masses were transformed post 1967 into a principle base to resisting the occupation and a springboard of the Intifada, and they are still performing their progressive role until today. This situation with its objective elements and its accumulated combativeness takes the Refugee issue in the West Bank and Gaza as obstacle to be controlled hidden behind the walls of Resettlement.

The first people's conference for the Refugees in the West Bank held in Al Fare' a camp (8/12/1995) by an invitation from "Social Youth Centres Union" in the West Bank camps. This conference indicates the Refugees political mood and the existing combative readiness in refugee circles in the Occupied Homeland via the decisions and directives emanating from it: "The political national and historical unity of the Palestinian people is indivisible. The Refugee issue is the central Palestinian people's national issue as in the issue of Jerusalem and the borders and the national identity issues. The international legal Resolutions are the basis for the solution of the Refugee issue uppermost being Resolutions 181 and 194 which both originated from the United Nations. The Refugee issue is political and not economic concerned with improving their living conditions. Rejection of the resettlement plans and any relevant agreements or programs regarding this issue whether resettlement occurs within the Occupied Homeland or outside it. Rejection of attempts to transfer the refugee from the Jordanian camps and the current attempts to resettle the Lebanese camps Refugees as well as the refusal to accept compensation against foregoing the Right of Return. Rejection the plans to annul UNRWA and terminating its services or transferring its authority to local or international institutions or parties and preserving the Agency until such time when a just and permanent solution to the Refugee issue according to UN Resolutions is reached. Calling on the Refugees in Gaza, Lebanon, Syria and Jordan to hold similar conferences and handling their own cause, and finding a mechanism to coordinate the refugee standpoints and communicating among themselves in all their gathering places."

According to Israel, the Refugee portfolio in the West Bank and Gaza is an internal portfolio which directly affects the Israeli situation. Hence forth, its priority over the other Refugee portfolios in the Host Countries, and the Israeli insistence on imposing a resettlement solution in the West Bank and Gaza is based upon cancelling the three status (the Refugee - Refugee camp and the UNRWA). The complications of this portfolio and its charged Palestinian factors that is faced with on the opposite side by the Israeli planning to impose a solution that is liquidator, make the Refugee issue a hot topic in the permanent status negotiations, at the same time commending the Refugees in the West Bank and Gaza to perform a pivotal role in crystallizing a mass current that compliments the impetus of its counterpart in the Diaspora. The Refugee issue is a principle united banner that penetrated their rallying points in the Occupied Territories and the Diaspora, and represents a burden of concern and interest internally and externally, which required it to occupy its natural position in a wider working program by the powers and activists of the West Bank and Gaza.

Resettlement and Rehabilitation... Jordan

Palestinian presence exiled in host Arab countries since 1948 created a problematic matter with extreme sensitivity. Before this problematic substance being the offspring of demographic data or a legal situation, it is the result of the nature of the political project specifically concerned with the Refugees based on resettlement, that Israel sought and continues to seek to impose, on the Palestinian People and the peoples of the region. This is what becomes evident from the examples of the Host Countries, starting with Jordan.

Historically, the relationship between the Jordan Regime and the Palestinian People (including the Refugees) has been governed by an Entity structural dimension. In 1948 the aftermath of the Palestinian catastrophe on Jordan was not limited to receiving the Refugees as did the other Arab countries, but quickly superseded it by annexing part of the land of Palestine to the Jordanian Entity (Jericho conference 1950) which entitled the Palestinians in the West Bank and East Bank (including the Refugees) legally to citizenship rights which won them the Jordanian nationality as well.

The Israeli occupation of the West Bank and Jerusalem (1967) and the Jordanian separation of legal and administrative connections with the West Bank (1988) did not essentially alter this fact. Excluding certain group of the 1967 displaced who won granted rights of residence and movement without attaining nationality and full civil rights, the following reality was established: The Palestinians in Jordan are granted citizenship right which entitles them to individual rights, but denies them the right to express fully their Palestinian National Identity.

This disturbing equation (citizenship right is not connected with the right to express national identity) spotlights the tense situation which has often impaired Palestino-Jordanian relationships at all levels. The latest developments exemplified by Wadi Araba Treaty and the Oslo Agreement, are based on additional strained factors that reflect negatively on these relations. The Oslo Agreement, despite not mentioning resettlement in its text, it did not close the door on the subject, but kept in open to all possibilities.

The Treaty adopts -as mentioned beforehand- the resettlement solution for the dual issues of the Refugees and the Displaced, that is why it does not mention the relevant international legal Resolutions, and ignored mentioning UNRWA when addressing the agreed upon United Nations programs and other international economic programs... and what some of the refugee camps face from the dangers of dismantlement and its consequences, or the diminution of camps superficies under the pretext of returning the built upon land to their owners in compliance with legal Resolutions, legal wrangling are not coincidental and they comply with the intended resettlement trend that also passes through the plan to eliminate the refugee camps.

The government plan under the banner of "The strategic plan for the residents in Jordan" to solve the residential problems including overcrowding is specially directed at the refugee camps, which the World Bank plan aims to transform to urban development regions. The problem of course does not lie with these plans, in that they claim to improve residential and living conditions, but in their aim to eliminate the political character of the camps or its international stature.

The current efforts to change the relationship between Jordan and the UNRWA fall in this context. Changing the title of "Director of UNRWA in Jordan" to "Director of Operations in Jordan" as if the Agency has become an institution whose operations or programs can be annexed to similar programs in the state or the private sector, further evidence of releasing the Agency of its responsibilities, and a step towards transforming these responsibilities to another party. Changing the Title is part of the necessary political preparation for changing the relationship between Jordan and the Agency thus making Jordan not a host country, it is a further step on the road to transforming Jordan from a state that hosts the Refugees to a state with refugee citizenry.

This step converges with the resettlement plan, with its latest decisions on citizenship in the government program, the latest of which was opening the gates to the people of Beersheba Bedouins to attain Jordanian passports. This step points in turn to Jordanian readiness to play a direct role in the Refugee issue within the permanent status arrangement, whether by proceeding these negotiations or participating in them, and then dealing with their results based on the resettlements and rehabilitation plan in Jordan, and what goes beyond its borders... in the Occupied Territories. This is what article eight is based upon in the treaty as previously mentioned.

The resettlement plan in Jordan is a problematic issue that is highly sensitive, and despite the distinct nature of the demographic factor in nurturing this sensitivity (1.3 million Refugees, i.e. 40.8% of all registered Refugees who form 32% of Jordanian residents. This proportion rises automatically if we take into account that the number of Palestinians exceeds the number of registered Refugees), Despite its importance this peculiarity is not the source of the problematic issue, but principally the political project, which preparation continues for its imposition. Namely resettlement, which in Jordan particular case releases, for various reasons a destructive dynamism known as the "alternative homeland" Which naturally will not lead to an alternative never mind a homeland, but aims principally to create conditions and devising a climate of rivalry between an Arab People and another brotherly Arab People in conflict over the components of sovereignty and statehood.

This is what attributes added importance in Jordan to the slogan of confronting resettlement and the Alternative Homeland. It reflects on the one hand the insistence on the Right of Return considering it at the core of national rights, and

one of the constituents of practicing the Right of Self Determination (The independent state + the Return). On the other hand working to transform this slogan to a political and popular working plan...is the fundamental guarantee to bury the plan of civil strife between the two peoples to establish the relationship between them on healthy and principled foundation.

Resettlement and Rehabilitation Lebanon and Syria Lebanon:

An exaggeration exists in some circles in Lebanon concerning the risks of the Palestinian presence and its effects on the country's internal situation should resettlement occur, due to the delicate sectarian- political balance, and the high number of Palestinians resident on its territory (346 thousand registered Refugees representing 10% of the residents in Lebanon). The Oslo Agreement served the purposes of this trend and reinforced the pretext of its perpetrators.

It is admissible, that the Palestinian presence in Lebanon has an effective demographic dimension, and with Oslo's resettlement line of action, and the tried Israeli efforts to effects this plan, make its dangers tangible and real... The trend to overcome the dangers of resettlement in its proper dimension rather than exaggerating these dangers and inflating them to create fabrications in some instances, is governed by the constant fear of the direct link between the Palestinian presence and their National Issue, and what that relationship represents with its direct combative potential with Israel as a burden on the Lebanese situation in the past and the burden it could represent presently and in the future.

Whatever the considerations and motivations, Israel has succeeded and the Oslo Agreement came about to reinforce this success, in making the resettlement issue dominate any objective and quiet discussion of the Palestinian situation in Lebanon. Moreover it has become the compulsory path towards any approach of this subject and its sole headline most of the time.

Rejection of resettlement under the pretext of a conspiracy against the entity an disturbing the internal balance, and the rejection of resettlement as mentioned in the Taif Agreement, contained in the constitutional modifications derived from that agreements, is the official political banner and declared position of all political powers in Lebanon and its sectarian authorities. The main pretext in denying the Palestinian People their civil and social rights is the reality of resettlement which leads to exercising these rights, hereby complete or partial ratification precedes the results of the negotiations with Israel, further more, its propels it to adhere to resettlement plans.

With this background the door has not been closed only concerning discussions of civil and social rights, but has transferred official procedures to encroach on the legal rights previously guaranteed for Palestinian Refugees, most prominent among which is the right to travel from and to Lebanon under Lebanese travel documentation, whereby this movement was restricted in accordance with ruling number 478 issued by the Interior Ministry which imposed visas on Palestinians holding these documents regarding their entry into Lebanon.

This procedure falls within the framework of a policy to stimulate Palestinian migration from Lebanon, to arrive at the end of negotiation with the lightest possible

Palestinian demographic (and political) burden. The fear of the coming resettlement dangers from now leads to preclusive attempts at early emigration.

With the imminence of the negotiations around the permanent status and the point at which the negotiation has arrived at in general, the coming period shall witness increased pressure on the Refugee portfolio in the Host Arab Countries, and these pressures will be felt specifically by the Palestinians in Lebanon so as:

1. To diminish the group of Palestinian masses through enforced emigration as well as other procedures (e.g. deleting names from the Refugee register...)
2. Restrictions on the camps and their residential space, its infrastructure, its services to dim their specific role and geographic-demographic distinctiveness.
3. Attempts to prevent the development of the means and frameworks to independently express the Palestinian character and the defence of its direct national interests.

This policy is based on incitement to emigrate so that the Palestinian position is at its lowest level possible (wrt) numbers, rights, demographic-geographic particularity and national expression (National identity and the framework to express it). This policy based in preceding resettlement with emigration is of dubious benefit up till now, it has been tried without success, its danger lies in the probability that it will lead to the opposite of the goals it aspires to, in other words maintaining the Palestinian presence in Lebanon although in fewer numbers and lesser civil rights.

Resisting resettlement is to no avail with the continued deprivation of the Palestinians in Lebanon of their natural rights to freedom of work, movement and travel unconditionally nor with encouraging emigration, but in enabling this people to protect its national identity and preserve its social cohesion and its human rights to continue the endeavour for their national rights within the Lebanese ability, respect of its sovereignty and observing its national priorities.

The struggle of the Palestinian People in Lebanon for the Right of Return to their homeland is not held to the extent of its secured rights that guarantee it just conditions to a decent life. Undoubtedly the availability of these rights provides its struggle with greater validity. The Lebanese National interest will be realized also by protecting the Palestinian identity against dispersal and dissolution, protecting its social cohesion, and with a Palestinian voice united in all its strengths and sensibilities in its demand for the return and rejection of resettlement.

Syria:

Israel considers the resettlement conditions apply adequately to the Palestinian presence in Syria with its social stability since 1948 and with indiscriminate civil and social rights, while at the same time not forming any demographic stress (337 thousand registered Refugees representing 2.5% of the residents in Syria) nor does it exert economic pressure on a large country rich in resources.

Thought correct, this data does not enhance the Palestinian situation in Syria. And does not prove its acceptance of resettlement, and does not point towards the fulfilment of the conditions of this resettlement. Fact show that the role performed by our people in Syria in re-establishing and rebuilding the Palestinian movement post 1948 and becoming affiliated in its ranks and being part of the journey at all its different stations, produced frameworks and gave birth to an awareness specifically render the Palestinian reality in Syria being the most difficult obstacle, in the path of the plan for resettlement and confronting it. The Palestinians example in Syria asserts that guaranteeing civil and social rights maintains the national identity, protects it from the dangers of resettlement and cuts the road in front of the trend for discarding this identity, to avoid melting into the existing surroundings.

The Refugees In Their Land Extirpation and Expulsion In The Lands of 1948

The Uprooted... the Displaced in their land, "Arab citizens of the state of Israel" local Refugees. The majority expelled from their villages during the war of 1948 and in the subsequent period in the fifties. They form a major bloc of the Palestinian people within the borders of Israel (40% of its numbers) in excess of 300 thousand (approximately 60 thousand families).

It is well know that Israel destroyed 80% of Palestinian villages, specially in the north of the country (385 villages from a total of 475 as well as 150 shanty centres and farms...). Jewish settlements were constructed on the ruins of these villages, its lands registered in the land registry were considered "state land", expulsions from villages coincided with the confiscation of the lands, so they became two sides of the same coin entitled: Extirpation and expulsion within the judaisation plan.

In this context the goal of settling these lands took on a broader aspect:

1. To threaten the Palestinian presence in general and in some regions to threaten it totally (in NEGEV and others...)
2. To prevent the villages natural development and to bring about the urban underdevelopment of Arab towns (e.g. Nazareth).
3. To create a settles block on the green line (between the West Bank and the 1948 Territories) which will prevent drawing such a line, and to connect these

groupings of settlers in the Occupied Territories to create an Israeli expanse from the coastal plain to the West Bank mountains (the seven star plan in the Arab triangle region expanding from Kafr Kassem to Um Al-Fahem).

Along with the settlement issue and expropriation, the problem of the extirpated, Refugees in their own lands, formed one of the crucial pivots from the struggle of the masses in the 1948 territories. In this context inspired examples came to the fore, amongst which was the struggle of the villages of Iqrith and Kafr Bor'om to return to their homes and land.

Commencing by confronting this issue through a representative framework and united combative program, required a great transformation on the scale of the Madrid tracks (30-10-91). The shock of the event galvanized the Arab Minority in the 1948 Territories who became aware that their case was not listed in the current negotiation schedule, despite being an indivisible part of the Palestinian People, and any agreements or settlements that, this operation might result in, will not take into account the problems and the vital interests of this minority.

In this climate, the call for self reliance, preparation to lead a more vigorous struggle and a system of defending the rights of "the Refugees in their own land" in order to return to their villages and possessions met with an encouraging response. On this basis a wide discussion procedure was initiated to scrutinize the work possibilities open to the Uprooted and to inspect the various alternatives, so they may regain their rights. This operation was crowned in mid 1992 with the announcement of the formation of "The initiation Committee for the Defence of local refugee rights", which in turn formed through intense endeavour focused on surveying the situation of the extirpated, linked to their various framework and highlighting their specific demands for the Ibleen conference (11.3.95).

Representatives of local Arab committees, 280 deputies representing 30 different villages participated in the works of this conference. From the conference emerged "the Regional Committee for the Defence of the Displaced Rights in Israel" (which is the palliative expression of Refugees in their own land). From that instant this framework was transformed into the sole representative of local Refugees in the 1948 territories.

The Right of Return for the "Refugees in their own land" is guaranteed by Resolution 194 (Paragraph 11) due to the comprehensive nature of this Resolution and its application to the situations of all Refugees whatever the reason for their seeking refuge (beyond Israel's borders or inside them). To this foundation, could be added specific UN Resolutions which confirmed the return of those expelled and uprooted post 1948. Interspersed between these Resolutions examples such as: Security Council Resolution number 89 (17-11-1950) concerning a compliant by Egypt about the expulsion of thousands of Palestinians outside Israel's borders, the Resolution which stipulated their return. Also Security Council Resolution number 93 (19-5-1951) which requested Israel to immediately permit the return of those expelled to the large of the 1948 territories, to their villages in the demilitarized Palestinian territories adjacent to the Syrian border.

The method of dealing with the Refugee portfolio, which institutes the co-ordination of frameworks and work programs, in the West Bank and Gaza and the various Diaspora countries, and the collating of the common areas between them. This line does not apply to the problem of uprooted in 1948 land due to its specific nature. Naturally this does not cancel out the possibility of crystallizing certain reciprocal from support whenever this possibility occurred.

The struggle of "the Refugees in their land" is a struggle against the policy of discrimination and state oppression under whose rule they live and which does not principally recognize the existence of their problem. They have a right to return to their villages and possessions. It is a basic right guaranteed by the International Declaration of Human Rights and international law regulations, as well as U.N Resolutions previously mentioned. Lately the need by the Israeli government to grant the Right of Return to the villages of Iqrith and Kafr Bor'om served as a glaring example of what can be achieved through endeavour according to the struggle to regain usurped rights.

This struggle entails the mobilization of the refugee capacities in the 1948 territories, through local committees representing all the destroyed villages. As well as mobilizing the resources of the whole Palestinian community within the Israeli Entity in all its frameworks, political and civil institutions. Unrelenting efforts should be spent to broaden this base, which provides the springboard to gain the support and solidarity of the Israeli progressive and democratic forces who carry the banner of a just peace with the peoples and states of the region. Those who seek justice and peace with their neighbours, should foremost call for justice as the road towards peace with the oppressed citizens of their state.

The Liquidator Solution to the Refugee Problem

The perseverance of the Refugee problem assures the endurance of the Palestinian-Israeli conflict. This is a prevalent fact, and Israel is foremost in recognizing this as it considers it impossible to have permanent realistic and radical solution to the conflict with the Palestinians, without putting an end to the Refugee problem.

Therefore any agreement about the Refugee issue from an Israeli viewpoint must form:

1. A solution to end the Refugee problem in all its aspects, so any political agreement leaves this matter open, even only some of its components, can not last in the long run.
2. For a solution that has been tried and tested, not only drafted, among the headlines of the permanent status the issue of the Refugees forms one of the subjects where the Palestinians are going to be placed in the position of applying the peace that will be arrived at. Therefore, the comprehensive time table to apply the agreement about the permanent status is the period required to complete the goal of resolving the Refugees issue.

The Israeli view of the solution has been mentioned in the previous chapters and we re-focus on the following points: "Israel refuses to deal with the Refugees issue (and the Displaced) on the basis of any International Legal Referral Authority. Upon this it seeks to cancel out the three positions that embody this authority: The

refugee- UNRWA the refugee camp. The negotiation framework is the authority and what it arrives at is the solution, and it is a bilateral course between Israel, the Palestinians and the Host Countries each by itself. Each track independent in its mechanism and results and does not require the approval of the other parties, including the Palestinian party. The Refugee portfolio to be distributed to the bilateral, and the comprehensive solution is the sum total of all the tracks. No in response to any legal political request for the Right of Return according to United Nation Resolutions or any other international Resolution. Israel refuses the return of any number of Refugees, not according to any gained Palestinian right nor according to any bilateral agreement even if it was based on humanitarian considerations, allowing the bilateral agreement in principle, means permitting an external party to be a partner in a sovereignty decision. Rallying together individual cases according to humanitarian considerations, is nothing but, Israel maintaining alone the total right to decide. The solution is re-settlement and re-habitation. The cancellation of UNRWA and transference of its services and employees to the Palestinian Authority and Host Arab countries.

Regarding its standpoint concerning the Refugee issue (the Displaced) Israel relies on the following effective factors:

1. The existing negotiating structure does not rely on UN Resolutions. The Referral Authority is formed by the negotiating structures, they are numerous frameworks independent and separate from each other, the Refugee problem distributed among them without a common denominator.
2. The progress achieved, to date, on the negotiating tracks from vies of its appropriateness with the Israeli stand as in the Jordanian Treaty that relied on resettlement and re-habitation as a solution. And the results of the tasks of the Refugee Working Group of the multilateral track and its movement within the sphere of the rehabilitation program. And the re-definition direction of Oslo Accord and its Applications, especially the re-settlement of the tasks of UNRWA and its priorities in what serves the resettlement program on the way of dissolving the institution.
3. Weakness of Arab coordination or lack of it. The existing negotiating structure strengthens this trend. As well as the differences of the views and priorities of the Arab parties: Jordan has resolved its viewpoint as previously mentioned. The Lebanese priority is to anticipate resettlement with a policy of dubious benefit and not participating in exerting pressure to ensure the Right of Return. Syria which restricts its demands post Oslo with the Syrian and Lebanese portfolios does not address the Refugee issue at the time being and consequently the Right of Return among its priorities. With the knowledge that some Syrian actions point to caution regarding the possibility of pressure being exerted for resettlement (in the Refugee camps not allowing financed programs from the budgets of the Peace Implementation Program which is estimated to serve this direction –not dealing with the off shoots of the multilateral, denying Palestinians holders of (Egyptian and Jordanian) passports from entry, fearing the possibility of increasing the Palestinian demographic grouping in the country.

4. The official Palestinian policy, with its background of affiliation in the Oslo option, with the Refugee portfolio accorded less significance than the issue represents. Added to that the scattering of the efforts of the opposition and its non-focusing on the portfolio when it is considered one of the two main headlines of the Palestinian national issue (the Refugees and the land).

These factors make us stand at the point of the commencement of the permanent status negotiations concerning the Refugee issue not as an issue which is being prepared for discussion, but an issue that has already gone some distance along the way with the Israeli perception towards its Resolution, whereby its ceiling has been defined through the definition of the negotiating framework and its principles, and its negotiating and practical steps have started to be realized on the ground. But despite the above mentioned, there remain major obstacles and difficulties that stand in the way of the eliminating solution of the Refugee (Displaced) issue. This portfolio is the most complicated and urgent of all the negotiation's items, and it subsequently opens a broad area to improve the conditions of confrontation on the road to satisfying a just solution of the Refugee issue.

Towards a Just Solution for the Refugees Issue

a) The present negotiation framework and the resulting agreements, despite overpassing the limits of the international legal reference with its resolutions, regarding the Refugees (and the Displaced), could not cancel its role in preserving the political-legal status of the Refugees cause, and could not harm the international commitment with this issue. The above mentioned requires the following:

1. Holding to the International Legal Resolutions as the basis for solving the Refugees issue, particularly resolution 194, that includes the Right of Return, to which Resolutions 273 (Accepting Israel's membership in the UN) and 302 (founding the UNRWA) are based, and which the resolutions related to the inalienable rights of the Palestinian People and its right in self-determination are built upon... within this frame also, holding to Resolution 237 (Security Council) for the unconditional return of the Displaced, and the refusal of any attempt to include the Displaced file with the Refugees, since it is an open attempt to eliminate the implementation of this resolution and weakening the Displaced issue.

2. Rejecting the plans of liquidating the UNRWA, exterminating its services, and transmitting its works and employees to the Self-rule Authority and the Hosting Arab Countries. Also, keeping the Agency since it embodies the International legal and political commitment with the Refugees issue, as its establishment was based on Resolution 194 Paragraph 11, that states the Right to Return. Moreover, providing the appropriate conditions for the Agency to continue with its commitments towards the Refugees until reaching a just and permanent solution to their cause according to the UN Resolutions.

3. Refusing to change the status of the camps and confronting the liquidation plans or moving the Refugees from them within the frame of the rehabilitation plans, because of its international placement and what its presence means of materialistic and psychological power to the Refugees cause. Holding to the camps placement for what it represents of political and legal commitment with the Refugees rights does not contradict the necessary projects to improve the prevailing living circumstances of the camps and the services presented to their residents.

b) The Refugees issue is a political one in the first place, and an inseparable part of the Palestinian National Issue. Its solution falls into giving the Palestinian people the right of self-determination based to the right to return and the Refugees freedom in practicing this right. The present negotiating framework for the Refugees cause -on both levels: the Palestinians and the Arab- is not based on any International Legal Reference, which paves the way for Israel to impose its speculations of the solution which is based on resettlement and rehabilitation. That requires confirmation of the followings:

1. The Refugees cause is a unified one between the Occupied Territories and the Diaspora, which requires frames, programs, and line of work, that are coordinated and in harmony between the Inside and the Outside.

2. One of the main reasons for the least attention given to the Refugees issue, regionally and internationally refers to the weak movement of the masses within the Refugees under the mottoes of Return and for attaining their rights. The pivot of the national and social program in each grouping of the Diaspora is the right of return and struggle for its achievement. Therefore, the masses working-direction should be activated in the Diaspora and the Homeland through calling on the Refugees in the West Bank and Gaza Strip, in Jordan, Syria and Lebanon, to hold popular conferences, and to take their cause in their own hands to establish a mechanism of coordinating the Refugees positions and communicating with each other in all their groupings.

3. Political, and mobilization activities, internationally and Arab levels, occupy an important position in keeping the Refugees issue alive and present in the international mind. In this cause, the NGO conferences, research, seminars, etc. play a crucial role in providing the material support to the plans of development in the camps, and mobilization of the international support abilities for Refugees rights and especially that of returning Home.

c) Distributing the Refugees issue on several dual tracks, independent from each other by its negotiating mechanism and results, leads practically to extract the Palestinian participation which would also lead to redraw their destiny.

What the Palestinians have to do are the following:

1. Seeking to enforce consultation, cooperation and coordination between the concerned Arab negotiating tracks regarding the Refugees issue, on the basis of unifying any resolution taken by the Arab sides, to avoid taking solely any direction that effect the Refugees file in general.

2. The Palestinian dispersion in the host Arab countries gives the Refugees issue a regional trait, and creates in these countries –besides the boundaries with Israel- an internal contact with the Palestinian cause. This double contact creates a common ground of interest and issue of mutual importance that should be invested to support the Refugees issue.

3. The Israeli solution, based on the liquidation of the Refugees file in the Diaspora for the resettlement, does not only contradict the Palestinian interest, but also with interest of the Host Country. The resettlement plan in an internal dissension project between the Palestinians and the Arab peoples. Hence the true interest is in the joint struggle against the resettlement for the Right of Return.

d) A mass Palestinian movement that unifies the Refugees struggles in the Occupied Territories an the Diaspora, armed with the international legal resolutions, and what these resolutions reflect of international commitment to the Refugees rights above all the Right of Return, is a movement seeking to coordinate its efforts and to unify it in the different places of existence, and between them, and establishing close relations with the brotherly Arab peoples on the basis of rejecting the resettlement and holding to the Right of Return home, and be active in the different international and institutional instances... Such a movement with such an agenda is capable of creating new facts in favour of the Refugees rights.

Despite the impression that is emerging from respective facts of an advancement of the Israeli solution in the Refugees to the liquidation solution of their issue, can create an opposite dynamics that opens to a just solution to the Refugees an Displaced issue under the banner of return as a free choice and as an inseparable part of the national rights.

Annex No. I

RESOLUTIONS 194 /PARAGRAPH 11 OF 11 DECEMBER 1948.

Establishment of the United Nations Conciliation Commission, Resolution to accord Jerusalem an international specific regime; Resolution on the Refugees' Right of Return to their homes, in order to adjust the situation, promoting the realization of Peace in Palestine in the future.

The General Assembly...

11. Resolves that the Refugees wishing to return to their home and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international

law or in equity should be made good by the Governments or authorities responsible;

Instructs the conciliations commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the Refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations.

No. II

RESOLUTIONS 273 (THE INTRODUCTION)

11 MAY 1949

ISRAEL JOINS THE UNITED NATIONS

The General Assembly...

"Recalling its Resolutions (181 and 194) of 29 November 1947 and 11 December 1948 and taking note of the declarations and explanations made by the representative of the governments of Israel before the ad hoc Political Committee in respect of the implementation of the said Resolutions..."

No. III

RESOLUTIONS 302/PARA. 5 AND 20

8 DECEMBER 1949

ESTABLISHMENT OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES
IN THE NEAR EAST

The General Assembly,

Recalling its Resolutions 212 (III) of 19 November 1948 and 194 of 11 December 1948, affirming in particular the provisions Paragraph 11 of the latter Resolutions...

5. Recognize that, without prejudice to the provisions of Paragraph 11 of General Assembly Resolutions 194... continued assistance for the relief of the Palestine Refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability, and that constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief;

20. Directs the United Nations Relief and Works Agency for Palestine Refugees in the Near East to consult with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks, with particular reference to Paragraph 11 of General Assembly Resolutions 194...

No. IV

RESOLUTIONS 237

14 JUNE 1967

CALLING UPON ISRAEL TO RESPECT HUMAN RIGHTS IN THE AREAS AFFECTED BY MIDDLE EAST
CONFLICT OF 1967

The Security Council,

...“Considering that essential and inalienable human rights should be respected even during the vicissitudes of war”,

Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in conflict:

1. Calls upon the Governments of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;
2. Recommends to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949;
3. Requests the Secretary General to follow-up the implementation of this resolution and to report to the Security Council.

No. V

JORDANO-ISRAELÍ PEACE TREATY

26/10/1994

ARTICLE 8:

REFUGEES AND DISPLACED PERSONS

1. Recognizing the massive human problems caused to both Parties, by the conflict in the Middle East, as well as the contribution made by them towards the alleviation

of human suffering, the Parties will seek to further alleviate those problems arising on bilateral level.

2. Recognizing that the above human problems caused by the conflict in the Middle East cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following:

(a) In the case of displaced persons, in a quadripartite committee together with Egypt and Palestinians.

(b) In the case of Refugees.

(I) In the framework of the Multilateral Working Group on Refugees.

(II) In negotiations, in framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations, pertaining to the territories referred to in Article 3 of this treaty.

3. Through the implementation of agreed United Nations programs, and other agreed international economic programs, concerning Refugees and displaced persons, including assistance to their settlement.

No. VI

ISRAELI-PALESTINIAN INTERIM AGREEMENT ON THE WEST BANK & THE GAZA STRIP 28/9/1995

ARTICLE XXVII

LIAISON AND COOPERATION WITH JORDAN AND EGYPT

1. Pursuant to Article XII of the Declaration of Principles, the two Parties have invited the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Governments of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote cooperation between them. A part of these arrangements a Continuing Committee has been constituted and has commenced its deliberations.

2. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder.

3. The Continuing Committee shall also deal with other matters of common concern.

Final clauses

9. The PLO undertakes that, within two months of the date of the inauguration of Council, the Palestinian National Council will convene and formally approve the necessary changes in regard to the Palestinian Covenant, as undertaken in the letter signed by the Chairman of the PLO and addressed to the Prime Minister of Israel, dated September 9, 1993 and May 4, 1994.

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